

PATENT

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August 6, 2008  
Date

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES  
*Ex parte Pope et al.*  
Appeal No. \_\_\_\_\_**

Serial No.: 10/700,738  
Filed: November 4, 2003  
Art Unit: 3767  
Examiner: Elizabeth MacNeill  
Appellants: Brian Pope and Zhan Liu  
For: **SYRINGE PUMP RAPID OCCLUSION DETECTION SYSTEM**  
Atty. Docket No.: MDX-297  
Confirmation No.: 4966

Cincinnati, OH 45202

August 6, 2008

Mail Stop APPEAL BRIEF – PATENTS  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir or Madam:

**RESPONSE TO NOTIFICATION OF NON-COMPLIANT BRIEF**

This is in response to the Notification of Non-Compliant Appeal Brief mailed July 30, 2008. As set forth below, Paragraph III of the Appeal Brief, titled "Status of Claims", now contains a statement of the status of all claims, including all canceled claims.

### **III. STATUS OF CLAIMS**

Claims 1-3, 5-36 and 46-80 are presently pending, stand rejected, and are the subject of this appeal. Claims 4, 37-45, and 81-85 have been canceled. A copy of the presently pending claims is included in the Claims Appendix.

### **Conclusion**

Appellants respectfully submit that the previously submitted Appeal Brief, with revised Paragraph III above, is in full compliance with the provisions of 37 CFR §41.37. If this Response leaves any issues open, a call to undersigned counsel would be gratefully appreciated.

Respectfully submitted,

WOOD, HERRON & EVANS, L.L.P.

Date: August 6, 2008

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